

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
DISTRICT OF MARYLAND

Felicia C. Cannon, Clerk

Reply to Northern Division Address

December 6, 2006

Kelvin J. Miles #157867
MCI-H, 18601 Roxbury Rd.
Hagerstown, MD 21746

FILED ENTERED
LODGED RECEIVED

DEC 07 2006

Re: Case No. S-85-4492

Dear Counsel/Party:

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY _____ DEPUTY

The Clerk received your Motion for New Trial on 12/6/06 ; however, it is deficient in the area(s) checked below and is being returned to you.

Failure to meet requirements of Local Rules 101 & 102:

- ☐ Member of Bar of this Court has not signed pleading.
- ☐ Proper Person - out of state - must furnish Court with memo of location in Maryland where notices, etc. may be served.
- ☐ Corporation may not represent itself through its officers.

Failure to meet requirements of Local Rules 104, 105, and Fed.R.Civ.P. 5:

- ☐ Discovery motions, responses and replies to motions must be filed **with original and two copies**.
- ☐ Depositions not to be filed unless in support of a motion.
- ☐ Discovery material received.
- ☐ Motion to Compel filed - not in accordance with Local Rule 104.8.
- ☐ Discovery motion filed - not in accordance with Local Rule 104.7.

Failure to meet requirements of Local Rule 102 & Fed.R.Civ.P. 5:

- ☐ Certificate of Service not affixed to pleading.
- ☐ Certificate of Service not dated.
- ☐ Certificate of Service not signed.
- ☐ Attachments or exhibits missing.
- ☐ Pleadings must be filed on 8½" x 11" paper (this includes exhibits and attachments; please reduce accordingly).

Miscellaneous:

- ☐ Pleading does not contain original signature(s).
- ☐ Pleading pertains to more than one file. Original and appropriate copies required for each file unless cases consolidated for all purposes.
- ☐ Incorrect caption or civil action number. Unable to match with case.
- ☐ Offer of judgment should not be filed with the Court until it has been accepted. Fed. R. Civ. P. 68.
- ☐ Pleading or paper must be filed electronically.
- ☒ Other. This case is closed.

Very truly yours,



Richard D. Bennett
United States District Judge

cc: Other counsel/party

U.S. District Court (Rev. 3/3/2003) - Return pleading letter

Northern Division • 4415 U.S. Courthouse • 101 W. Lombard Street • Baltimore, Maryland 21201 • 410-962-2600
Southern Division • 200 U.S. Courthouse • 6500 Cherrywood Lane • Greenbelt, Maryland 20770 • 301-344-0660

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FILED - C 2006

U.S. DISTRICT COURT
BALTIMORE
MARYLAND

KELVIN J. MILES

v.

Civil Action No. S-85-4492

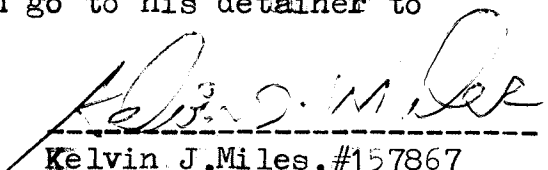
STATE OF MARYLAND

Motion For New Trial

Pro se Petitioner Kelvin J. Miles moves this court for motion for new trial of the denial of his amendment and supplemental pleading denied by this court on November 13, 2006 in the above captioned matter. This motion is pursuant to Fed.R.Civ.P. 59.

Petitioner States that his motion for amendment and supplemental pleading is based on newly discovered evidence, that ends of justice would not be served by reaching merits of subsequent application. See Sanders v. U.S., 373 U.S. at 16-17. Ends of justice require reconsideration of previously litigated claim only where petitioner supplement claim with colorful showing of factual innocence. See McCleskey v. Zant, 59 U.S.L.W. 4288 (U.S. 1991); In the instant case, complainants first interview by police investigates the only discription of thier assailant was only N/M (negro male), hours later, petitioner erroneously was identified. See amendment and supplemment herein on file along with exhibits 1 and 2.

Wherefore, Petitioner prays that his bail hearing and appoitment of counsel is reconsidered and he can go to his detainer to fight his case and trial.


Kelvin J. Miles, #157867

MCI-H

18601 Roxbury Road

Hagerstown, Md. 21746

Certificate of Service

I hereby certify, that acopy of this motion was mailed on 12-5-06 to Attorney General Office-200 St. paul Place-Baltimore, M-12202

